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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,629	04/26/2001	Mototsugu Abe	09792909-5003	9203
26263 7590 06/12/2008 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080				
EXAMINER				
VENT, JAMIE J				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
06/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/843,629

Applicant(s)

ABE ET AL.

Examiner

JAMIE JO VENT

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-38 and 40-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-38 and 40-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. I

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12; 14-38; 40-54 are rejected under 35 U.S.C. 103(a) as being unpatentable by Nafeh (US 5,343,251) in view of Zigmond et al (US 6,698,020) in further view of Merriman et al (US 2003/0028433).

[claims 1 & 27]

In regard to Claims 1 and 27, Nafeh discloses a signal processing device and method comprising:

- a message section detecting means for detecting a commercial message section from an input signal including at least the commercial message section and the remaining signal section on a time division basis (Figure 1a shows the detecting of the commercial message section as further described in Column 2 Lines 40+);
- a commercial message extracting means for extracting the signal in the commercial message section from the input signal in accordance with a

result of the detection by the commercial message section (Column 2 Lines 63+ through Column 3 Lines 1-16 describes the extracting of the signal as a result of detecting the commercial message section); and

- a recording means for recording each signal extracted from the input signal by the commercial message extracting means (Figure 1a shows the recording means in VCR 20); however fails to disclose
- an index information extracting means for extracting information from said commercial message section to be used as a user-selectable index representing said recorded commercial message and display means for displaying said index.

Zigmond et al teaches a system wherein commercial messages are detected, extracted, recorded, indexed, and played back to the user based on detection of the commercial message. Furthermore, as seen in Figure 5 and described in Column 10 Lines 15+ the system detects the commercial in the broadcast stream then further analyzes the commercial message to see if it has been broadcast. Depending on outcome the system when then broadcast the commercial or provides a new commercial that is more adjusted with the user allowing for optimal viewer viewing and advertisement more targeted and efficient (Column 9 Lines 38+). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the signal processing device as taught by Nafeh, and further teach the system to detect and process commercial messages based on user preferences, as taught by Zigmond.

Nafeh in view of Zigmond et al teaches the inserting of commercial messages; however, fails to disclose that the commercial messages can result in an user-selectable index. Merrimann et al additionally discloses a system that provides a user selectable index from the commercial message as seen in Figure 2 and further described in Paragraphs 0012-0013. The ability to provide a user selectable index provides a more complete system that allows the user to efficiently display desired indexes and further provide efficient advertising. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system for extracting commercials, as disclosed by Nafeh in view of Zigmond, and further incorporate a system with a user-selectable index, as taught by Merriman, to allow for the user to selected desired commercials.

[claims 2 & 28]

In regard to Claims 2 and 28, Nafeh discloses a signal processing device and method further comprising a characteristic value extracting means for extracting the characteristic values characterizing the commercial message from the detected commercial message section, wherein said recording means records the characteristic values of the commercial message in association with the commercial message (Column 3 Lines 20-57 describes the processing the characteristic values that are extracted from the commercial message).

[claims 3 & 29]

In regard to Claims 3 and 29, Nafeh discloses a signal processing device and method wherein said commercial message section detecting means detects said commercial message section from said input commercial message on the basis of a characteristic pattern of the commercial message appearing in said input commercial message at predetermined time intervals and a characteristic value reflecting the probability of the commercial message appearing in the input commercial message (Column 5 Lines 30-67 through Column 6 Lines 1-12 describes the detecting of the commercial message section on the basis of characteristic patterns and wherein the probability of the characteristic value is calculated).

[claims 4 & 30]

In regard to Claims 4 and 30, Nafeh discloses a signal processing device and method wherein said commercial message section detecting means detects said commercial message section on the basis of predetermined guide information which is prepared corresponding to said input commercial message (Column 3 Lines 20-57 describes the basis of the prepared corresponding to the input signal).

[claims 5 & 31]

In regard to Claims 5 and 31, Nafeh discloses a signal processing device and method wherein said characteristic value characterizing said commercial message is amplitude of the commercial message in the commercial message section (Column 3 Lines 34-36 and Column 3 Lines 60+ describes the signal processing device wherein the changes in amplitude are measured between signals/segments).

[claims 6 & 32]

In regard to Claims 6 and 32, Nafeh discloses a signal processing device and method wherein said characteristic value characterizing said commercial message is a spectrum of the commercial message in the commercial message section (Column 3 Lines 37-48 describes the spectrum of the signal wherein the change between signals/segments are determined).

[claims 7 & 33]

In regard to Claims 7 and 33, Nafeh discloses a signal processing device and method wherein said characteristic value characterizing said commercial message is a linear prediction coefficient of the signal in the commercial message section (Column 5 Lines 52-67 describes the linear prediction coefficient of the signal in the first section).

[claims 8 & 34]

In regard to Claims 8 and 34, Nafeh discloses a signal processing device and method wherein said characteristic value characterizing said commercial message is a histogram of a predetermined component of the signal in the commercial message section (Column 3 Lines 20-56 describes the components that comprise a histogram wherein the predetermined component of the signal).

[claims 9, 10, 35, & 36]

In regard to Claims 9, 10, 35, and 36, Nafeh discloses a signal processing device and method wherein said characteristic value characterizing said commercial message is mean value and difference of the predetermined component of the signal in the commercial message section (Column 6 Lines 6-50 describes the calculation of the average value of the predetermined components).

[claims 11 & 37]

In regard to Claims 11 and 37, Nafeh discloses a signal processing device and method wherein said characteristic value characterizing said commercial message is the number of changes of the state of the signal in the commercial message section (Column 6 Lines 40+ describes the characteristic value wherein the commercial message is the number of changes that take place between segments).

[claims 12 & 38]

In regard to Claims 12 and 38, Nafeh discloses a signal processing device and method wherein said characteristic value characterizing said commercial message is the time of the change of the state of the signal in the commercial message section (Column 5 Lines 12-27 describes the signal processing wherein the time change determines the state of the signal).

[claims 14 & 40]

In regard to Claims 14 and 40, Nafeh discloses a signal processing device and method wherein said index information is an edited signal obtained by editing said commercial message (Column 1 Lines 15-55 describes the editing of the commercial message).

[claims 15, 16, & 41]

In regard to Claims 15, 16, and 41, Nafeh discloses a signal processing device and method wherein said edited signal obtained by editing said commercial message comprises a set of signals at the time when the state of said commercial message changes which represent the start or ending part of the signals (Column 5 Lines 12-27 describes the timing of the segments/signals which comprises the various signals).

[claims 17 & 42]

In regard to Claims 17 and 42, Nafeh discloses a signal processing device and method wherein said index information extracting means extract the signal at a time when the state of said commercial message changes (Figure 1a shows the extracting of the signal at the time when the state of the commercial message changes as further described in Column 3 Lines 20-56).

[claims 18 & 43]

In regard to Claims 18 and 43, Nafeh discloses the signal processing device and method further comprising a comparing means for comparing characteristic values respectively characterizing two commercial messages recorded by said recording means and discarding one of the recorded two commercial messages when the characteristic values of the two commercial messages are determined to be substantially the same (Column 5 Lines 30+ describes the comparing of characteristic values that characterize different commercial messages).

[claims 19 & 44]

In regard to Claims 19 and 44, Nafeh discloses the signal processing device and method wherein said comparing means is detects agreement/disagreement of the commercial messages in a part of the section or in the entire section by comparing said characteristic values (Column 6 Lines 25+ describes the comparing of the commercial messages in a part of the section or entire section that compares to the characteristic values).

[claims 20 & 45]

In regard to Claims 20 and 45, Nafeh discloses the signal processing device and method wherein said comparing means detects the degree of similarity of the commercial messages in a part of the section or in the entire section by comparing said characteristic values (Column 6 Lines 6+ describes the detection of similarity between the first segment and the entire segment).

[claims 21 & 46]

In regard to Claims 21 and 46, Nafeh discloses the signal processing device and method wherein said comparing means performs the comparing operation on a basis of the distance as determined by using a predetermined distance scale between vectors formed at least one of the amplitude of the signal in the commercial message section, the spectrum of the signal in the commercial message section, the linear prediction coefficient of the signal in the commercial message section, the histogram of a predetermined component of the signal in the commercial message section, the mean value of the predetermined component of the signal in the commercial message section, the difference in the predetermined signal component of the signal in the commercial message section, the number of changes in the state of the signal in the commercial message section and the time of a change in the state of the signal in the commercial message section (Column 3 Lines 20-56 describes the components that comprise a histogram wherein the predetermined component of the signal).

[claims 22 & 47]

In regard to Claims 22 and 47, Nafeh discloses a signal processing device and method further comprising:

- an index information specifying means for specifying desired index information from said displayed plurality of pieces of index information (Figure 1a shows the extraction of index information which represents the commercial message as further described in Column 2 Lines 55-63 and Column 3 Lines 20-57); and
- a retrieving means for retrieving the commercial message corresponding to said specified index information (Column 7 Lines 20-40 describes the retrieving means used for retrieving specified index information).

[claims 23, 24, 48, 49, & 50]

In regard to Claims 23, 24, 48, 49, and 50 Nafeh discloses the signal processing device and method further comprising:

- a retrieving means for retrieving the commercial message substantially agreeing with said commercial message from said recording means, using said commercial message in a part of the section or in the entire section or a characteristic value characterizing the commercial message as retrieving condition (Column 7 Lines 20-40 describes the retrieving means used for retrieving specified index information)..

[claims 25, 26, 51, & 52]

In regard to Claims 25, 26, 51, and 52, Nafeh discloses the signal processing device and method further comprising: a measuring means for measuring the number of times and/or the hours of appearances of a same commercial message (Figure 7 Lines 45-57

describes the measuring of the number of occurrences that a segment occurs within the signal).

[claims 53 & 54]

In regard to Claims 53 and 54, Nafeh discloses a signal processing device and method wherein said input signal comprises a video signal and/or an audio signal and said commercial message covers a commercial message section (Column 7 Lines 30-57 describes that the commercial message covers a commercial message section).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

/J. J. V./
Examiner, Art Unit 2621